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EXAMINER	
NGUYEN, DANG T	
ART UNIT	**PAPER NUMBER**
2178	8

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/766,047	INGLE ET AL.	
	Examiner	Art Unit	
	Dang T Nguyen	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) ____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: the Application and the Information Disclosure Statement filed on January 19, 2001.

2. Claims 1-36 are pending in this case. Claims 1, 19, 20, and 36 are independent claims.

Drawings

3. New drawings were received on June 4, 2001 and have been approved by the Examiner. These drawings are substituted the original set of drawings filed on January 19, 2001.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 14, 15, 16, 25, and 31 – 33, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 14, 15, 16, 25, and 31 – 33 are rejected for the use of improper Markush-type language. Proper language is generally either "selected from the group consisting of A, B, and C" or "A, B, or C". Applicant's use of the language "group including" fails to comply with these accepted formats (See MPEP 217.05(h)).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2, 19 – 21, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Leveque et al. Pub. No.: 2002/0128860 A1, Pub. Date: Sep. 12, 2002.

Regarding independent claim 1, Fig. 1 of Leveque et al. discloses a method for creating a summary document (Page 8 paragraph [0081]), the method comprising: storing data objects (Page 4 lines 1 – 4 of paragraph [0049]) from a plurality of sources (Page 3 lines 7 - 9 of paragraph [0044]); mining the data objects (Page 4 lines 7 – 9 of paragraph [0049]) and generating a summary document using the mined data objects (page 4 lines 6 – 8 of paragraph [0055]).

Regarding dependent claim 2, Leveque et al. discloses wherein mining data objects includes include marked up data; and wherein generating the summary document includes using the marked up data (Page 4 lines 7 – 9 of paragraph [0049] disclosing mining data ware house 150, and Fig. 4 disclosing mining data ware house 150 including XML mark up data 220 and generated reports 151, 153, 157, See paragraph [0073] and [0074] on page 7).

Regarding independent claim 19, Fig. 1 of Leveque et al discloses a method for creating a clinical resume (Page 8 paragraph [0081]), the method comprising: parsing medical event data relating to a first patient (Page 6 paragraph [0064]); storing the parsed medical event data (lines 13 – 18 of paragraph [0064] on page 6); discharging the first patient (lines 7 – 8 of paragraph [0064] disclosing either patient follow up phrase or patient no longer eligible for treatment. Therefore, the patient has to be discharge before following up); and in response to discharging the first patient automatically generating a clinical resume from the parsed medical event data in storage (See paragraph 0067 and 0068).

Regarding independent claim 20, Fig. 4 of Leveque et al. discloses a system for creating a summary document (Page 8 paragraph [0081]) from stored data the system comprising: a database (Fig. 4 [150]) having an input to accept information from a plurality of sources (Page 3 lines 7 - 9 of paragraph [0044]), store the information in an electronic format as data objects (page 7 lines 4 – 5 of paragraph 0071) and supply the data objects at an output (Output line of Fig. 4 [150]); and an assembly engine (Fig. 4 [230]) having a first input connected to the database output, and having an output to supply a summary document generated (Fig. 4 [157]) by mining the data objects in the database (page 4 lines 6 – 8 of paragraph [0055]).

Regarding dependent claim 21, Laveque discloses wherein the database accepts and stores marked up data objects (page 7 paragraph [0073]); and wherein the assembly engine supplies a summary document by mining the marked up data objects (page 4 lines 6 – 8 of paragraph [0055]).

Regarding independent claim 36, Fig. 1 of Leveque et al. discloses a method for creating a medical discharge summary document (Page 8 paragraph [0081]), the method comprising: data mining (Page 4 lines 7 – 9 of paragraph [0049]) a plurality of physician transcriptions (Page 3 lines 7 - 9 of paragraph [0044]) that describe medical observations; and generating a medical discharge summary document from the medical observations (page 4 paragraph [0050]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-9, 11-13, 17-18, 22-23, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveque et al. Pub. No.: 2002/0128860 A1, Pub. Date: Sep. 12, 2002 in view of de la Huerga et al., U.S. Patent No. 5,903,889 – filed Jun. 9, 1997, and further view of Ross, Jr et al., Patent No. 5,823,948 - filed on Jul. 8, 1996.

Regarding dependent claim 3, Laveque et al. as applied to claim 2 above, discloses every aspect of applicant's claimed inventing except for the data objects includes mining marked up data from the group including physician transcriptions, audio records, and graphical records;

Ross, Jr et al. discloses the transcription (see Col. 5 lines 1-13); and de la Huerga et al. discloses the data objects includes audio and graphical records (see Col. 15 lines 15-24); and wherein generating a summary document using the mined data objects includes generating a clinical resume (Laveque, Fig. 4 [157]; page 7 paragraph [0074]).

Laveque et al., Ross et al., and de la Huerga et al. are analogous because they related to data format. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Ross's transcription, and de la Huerga's audio and graphical records into Laveque's mining data objects, since Ross taught the benefit by pointing out that the caregivers are easy to read and understand what is going on with the patient (Col. 2 lines 38-39), and de la Huerga et al. taught the benefit by pointing out that modifying the data records (audio and graphical records) to make them compatible with a standard supported by the common interactive display browser used by the system (Col. 3 lines 55-57).

Regarding dependent claim 4, Laveque et al. as applied to claim 3 above, discloses every aspect of applicant's claimed inventing except for the treatment of a first patient using the physician transcriptions.

Ross, Jr et al. discloses the treatment of a first patient using the physician transcriptions (Col. 2 lines 50-67).

Laveque and Ross, Jr et al. are an analogous because they related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Ross's transcriptions into Laveque's

mining data objects, since Ross taught the benefit by pointing out that the caregivers are easy to read and understand what is going on with the patient (Col. 2 lines 38-39).

Regarding dependent claim 5, Leveque et al. further discloses comprising: entering information including: laboratory results, pharmacy records (Fig. 1 [50, 72] and Fig. 3a [107]), and marking up laboratory results, and pharmacy records as tagged data (page 7 paragraphs [0073]). However, Laveque fails to discloses audio and graphical records, and physician transcriptions in an electronic format from a plurality of sources; marking up the coding data, discharge instructions records as tagged data; marking up the audio and graphical records, and physician transcriptions as marked up data; parsing the marked up data and tagged data into data objects; and wherein storing data objects; from a plurality of sources includes storing the marked up data and tagged data.

Huerga et al. discloses entering information including coding data (Col. 3 lines 6-8), discharge instructions (Fig. 7A Col. 5 lines 36-38), audio and graphical records (Col. 15 lines 15-24), and physician transcriptions in an electronic format form a plurality of sources (Col. 3 line 65 - Col. 4 line 2);

"marking up the coding.....marked up data" (Col. 2 lines 49-55) and (Col. 3 line 58 - Col. 4 line 2).

"parsing the marked up data.....data objects" (Fig. 5D [294] and Fig. 13A [654], Col. 16 lines 27-54); and wherein storing data objects from a plurality of sources includes storing the marked up data and tagged data (Col. 15 lines 3-5).

Laveque and Huerga et al. are analogous because they both related to data

format. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's patient records into Laveque's mining data objects for the purpose of collecting all data records pertaining to a specific patient, doctor, or other subject, modify them to support display through a internet browser.

Regarding dependent claim 6, Laveque discloses wherein generating the summary document using the mined data objects includes generating a clinical resume (Fig. 4 [157]) for the treatment of a first patient using the marked up data and the tagged data (Fig. 4 [220]).

Regarding dependent claim 7, Leveque et al. further comprising: triggering the creation of the clinical resume for the first patient (page 4 lines 6 - 8 of paragraph [0055]); and wherein generating the clinical resume within a first number of days of the triggering (page 3 lines 1 - 6 of paragraph [0044] disclosing clinical report of the patient from the day of diagnosis to the day of death).

Regarding dependent claim 8, Laveque discloses wherein entering physician transcriptions includes admitting diagnosis, diagnosis on admission (Fig. 3a [105, 107] page 5, paragraph [0058] lines 2-5). However, Laveque fails to disclose entering transcription sections concerning present illness, history of present illness, impressions on admission, impressions and plans on admission, consultation data, impression and plan from consultation, impression from consultation, and diagnosis from consultation information.

de la Huerga et al. discloses entering transcription sections concerning present

illness, history of present illness, impressions on admission, impressions and plans on admission (see Figs. 6B-9B).

Ross, Jr et al. discloses consultation data, impression and plan from consultation, impression from consultation, and diagnosis from consultation information (Col. 25 [Patient Record]).

Laveque, Huerga, adn Ross, Jr et al. are analogous because they related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's admission, Ross's consultation into Laveque's mining data objects, since Huerga taught the benefit by pointing out that a physician reviewing an admission report may find that it references laboratory test or observations made contemporaneous with or previous to the patient arriving at the hospital (Col. 1 lines 61-64), and Ross, Jr et al. taught the benefit by poiting out that the new system allows physicians to confirm that the right questions were asked, the appropriate exam elements were covered, the likely diagnoses were considered, the appropriate treatment was rendered and consultation was made in a timely fashion (Col. 1 lines 53-57).

Regarding dependent claim 9, Laveque discloses wherein marking up the to coding data, discharge instructions, laboratory results, and pharmacy records as tagged data, and the audio and graphical records, and physician transcriptions as marked up data includes marking up in accordance with a protocol selected from the group including HTML, XML, SGML, and equivalent protocols (*Page 4 lines 7 - 9 of paragraph [0049] disclosing mining data ware house 150, and Fig. 4 disclosing mining data ware*

house 150 including XML mark up data 220 and generated reports 151, 153, 157, See paragraph [0073] and [0074] and paragraph [0078] on page 7).

Regarding dependent claim 11, Laveque discloses wherein entering coding data, discharge instructions, laboratory results, pharmacy records, audio and graphic records, and physician transcriptions as information in an electronic format includes entering the information in an untagged data format; and the method further comprising: converting the untagged data into a format suitable for marking up (Page 7 paragraph [0073] and [0074], and Fig. 4 and paragraph [0078]).

Regarding dependent claim 12, Laveque et al. as applied to claim 11 above, discloses every aspect of applicant's claimed inventing except for entering the admission and discharge dates, transfer information, and attending physician information as untagged data in an ADT file; converting the untagged data in the ADT file to tagged data; parsing the ADT file into tagged data objects.

de la Huerga et al. discloses the computer network 100 comprises an Admit, Discharge, and Transfer (ADT) system 108 (Col. 11 lines 23 - 38), and "converting.....data" (Figs. 6A-9A and 6B-9B, Col. 5 lines 30-53), and "parsing.....objects" (Figs. 15A-B, Col. 16 lines 26-54).

Laveque and de la Huerga et al. are analogous because they both related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's ADT file into Laveque's data objects, since Huerga taught the benefit by pointing out that the operation of the data translation and collection system may be initiated by a system user executing the

appropriate command or may be executed routinely and automatically by the hospital's ADT system during a patient's stay or when a patient is discharged.

Regarding dependent claim 13, Leveque et al. further discloses wherein entering the discharge data triggers the creation of the clinical summary (Page 7 paragraph [0074]).

Regarding dependent claim 17, Laveque, Huerga, and Ross et al. disclose wherein entering physician transcriptions includes entering transcriptions (Ross, Col. 5 lines 1-13) identified as Reasons for Admission, Impression on Admission, and Consultations (de la Huerga, Figs. 6B and 7B); and wherein generating the clinical resume includes automatically generating a clinical resume with text sections including the transcribed Reasons for Admission texts, Impression on Admission texts, and Consultations (Laveque, Fig. 4 [157]; page 7 paragraph [0074]).

Regarding dependent claim 18, Laveque et al. further discloses comprising: following the parsing of the marked up data and tagged data into data objects, entering modifications and corrections to the originally entered coding data, descriptive information, laboratory results, pharmacy records, audio and graphical records, and physician transcriptions; storing the modifications as data objects; and tracking the original and modified data objects (Page 7 paragraph [0067, 0068 and 0069] *disclosing patient's disease profiles which is storing in the data base 150, are continuous tracking, monitoring and updating during period of treatment and after care period*).

Regarding dependent claim 22, recite the system of claim 21 which is equivalent to the method as recited in claim 3 and is similarly rejected, as above.

Regarding dependent claim 23, Leveque et al. further discloses comprising: a parsing engine having an input to accept laboratory results, pharmacy records (Fig. 1 [50, 72] and Fig. 3a [107, Laboratory]), and marking up laboratory results, and pharmacy records as tagged data (page 7 paragraphs [0073]). However, Laveque fails to disclose coding data, discharge instructions, audio and graphical records, and physician transcription information, the parsing engine marking up and supplying the coding data, discharge instructions, and the audio and graphical records, and physician transcriptions as marked up data at an output connected to the database input; and wherein the database stores the tagged data and marked up data as data objects.

Huerga et al. discloses parsing engine having an input to accept coding data (Col. 3 lines 6-8), discharge instructions (Fig. 7A Col. 5 lines 36-38), audio and graphical records (Col. 15 lines 15-24), and physician transcriptions information (Col. 3 line 65 - Col. 4 line 2);

"the parsing engine marking up.....database input" (Fig. 5D [294], Fig. 13A [654], Col. 9 line 50 - Col. 10 line 39, and Col. 16 lines 27-54) and (Col. 2 lines 49-55); and wherein the databse stores the tagged data and marked up data as data objects (Col. 15 lines 3-5).

Laveque and Huerga et al. are analogous because they both related to medical reports. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's patient records into Laveque's mining data objects for the purpose of collecting all data records pertaining to a specific patient, doctor, or other subject, modify them to support display through a internet

browser.

Regarding dependent claim 25, Laveque discloses wherein the parsing engine (Fig. 4[220]) marks up the input information into a protocol selected from the group including HTML, XML, SGML, and equivalent protocols (Fig. 4[220:XML]).

Regarding dependent claim 26, Laveque discloses wherein the assembly engine (Fig. 4 [230]) has an input to accept a trigger signal (Page 7 paragraph [0074]) for creating the clinical resume; and wherein the assembly engine generates the clinical resume from the mined data objects automatically within a first number of days of receiving the trigger signal (page 3 lines 1 - 6 of paragraph [0044] *disclosing clinical report of the patient from the day of diagnosis to the day of death*).

Regarding dependent claim 27, Laveque discloses wherein the parsing engine accepts physician transcriptions concerning admitting diagnosis, diagnosis on admission (Fig. 3a [105, 107] page 5, paragraph [0058] lines 2-5). However, Laveque fails to disclose concerning present illness, history of present illness, impressions on admission, impressions and plans on admission, consultation data, impression and plan at consultation, impression from consultation, and diagnosis from consultation.

de la Huerga et al. discloses entering transcription sections concerning present illness, history of present illness, impressions on admission, impressions and plans on admission (see Figs. 6B-9B).

Ross, Jr et al. discloses consultation data, impression and plan from consultation, impression from consultation, and diagnosis from consultation information (Col. 25 [Patient Record]).

Laveque, Huerga, and Ross, Jr et al. are analogous because they related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's admission, Ross's consultation into Laveque's mining data objects, since Huerga taught the benefit by pointing out that a physician reviewing an admission report may find that it references laboratory test or observations made contemporaneous with or previous to the patient arriving at the hospital (Col. 1 lines 61-64), and Ross, Jr et al. taught the benefit by poiting out that the new system allows physicians to confirm that the right questions were asked, the appropriate exam elements were covered, the likely diagnoses were considered, the appropriate treatment was rendered and consultation was made in a timely fashion (Col. 1 lines 53-57).

Regarding dependent claim 28, Fig. 3 of Laveque further discloses comprising: a file converter (Fig. 4 [210, 213, 217]) having an input to accept coding data, discharge instructions, laboratory results, pharmacy records, audio and graphical records, and physician transcription information as untagged data, and an output connected to the input of the parsing engine (see rejected claim 23) to supply the input information in a format suitable for marking up (page 7 paragraph [0073]); and wherein the parsing engine marks up the converted input information as tagged data and marked up data (Fig. 4[220: XML: Tagging).

Regarding dependent claim 29, Laveque et al. as applied to claim 28 above, discloses every aspect of applicant's claimed inventing except for wherein the file converter accepts patient admission, discharge date, transfer information, and the

attending physician as untagged data in an ADT file and converts the ADT file into a format suitable for marking up; wherein the parsing engine marks up the untagged data in the converted ADT file; wherein the database accepts the tagged data and marked up data from parsing engine; and wherein the assembly engine generates a clinical resume with information mined from the ADT file.

de la Huerga et al. discloses the computer network 100 comprises an Admit, Discharge, and Transfer (ADT) system 108 (Col. 11 lines 23 - 38), and converts the ADT file into a format suitable for marking up (Figs. 6A-9A and 6B-9B, Col. 5 lines 30-53), and "the parsing engine.....file" (Figs. 15A-B, Col. 16 lines 26-54).

Laveque and de la Huerga et al. are analogous because they both related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Huerga's ADT file into Laveque's data objects, since Huerga taught the benefit by pointing out that the operation of the data translation and collection system may be initiated by a system user executing the appropriate command or may be executed routinely and automatically by the hospital's ADT system during a patient's stay or when a patient is discharged.

Regarding dependent claim 30, Laveque discloses wherein the database supplies (Fig. 4[150]) the discharge data to the assembly engine (Fig. 4 [230]) and wherein the assembly engine automatically generates the clinical summary in response to receiving the discharge date (Fig. 4 [157]).

Claims 10 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Leveque et al. Pub. No.: 2002/0128860 A1, Pub. Date: Sep. 12, 2002 in view of de la Huerga et al., U.S. Patent No. 5,903,889 - filed Jun. 9, 1997 and Ross, Jr et al., Patent No. 5,823,948 – filed on Jul. 8, 1996, and further view of Rubin U.S. Patent No. 6,457,018 filed on 05/19/1998.

Regarding dependent claims 10 and 24, Leveque and Huerga et al. as applied to claims 5 and 23 above disclose every aspect of applicant's claimed invention except for storing data as binary large objects.

Col. 2 lines 27 - 29 of Rubin discloses an information retrieval computer system having stored data as binary large objects in order to permit storage of an entire document containing text, image, video and audio data as a binary document.

Leveque, Huerga et al. and Rubin are analogous because they related to data storing and retrieving computer network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply storing data as a binary large objects taught by Rubin et al. into storing data of Leveque and Huerga et al. for the purpose of providing a binary document containing, text, image data, video data and audio data (Rubin, Col. 2 lines 30 - 35).

Claims 14 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leveque et al. Pub. No.: 2002/0128860 A1, Pub. Date: Sep. 12, 2002 in view of de la Huerga et al., U.S. Patent No. 5,903,889 - filed Jun. 9, 1997 and Ross, Jr et al., Patent No. 5,823,948 – filed on Jul. 8, 1996, and further view of Lee et al. U.S. Patent No. 6,535, 883 B1 filed on 08/04/1999.

Regarding dependent claim 14, Leveque and Huerga et al. as applied to claim

5 above disclose every aspect of applicant's claimed invention except for further comprising: checking the data objects for errors, inconsistent data, and incompletely entered data; and in response to checking the data objects, choosing a correction procedure selected from the group including noting errors, permitting error overrides, returning the source document for correction, and re-parsing entered data after correction.

Fig. 2 of Lee et al. disclosing a validation program 12 for validating data entries (Col. 4 lines 31 - 33) comprising: checking the data objects for errors, inconsistent data, and incompletely entered data; and in response to checking the data objects, choosing a correction procedure selected from the group including noting errors, permitting error overrides, returning the source document for correction, and re-parsing entered data after correction (Col. 8 lines 19 - 35).

Leveque, Huerga et al. and Lee et al. are analogous because they related to data collecting system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the validation system taught by Lee et al. into collecting data system of Leveque and Huerga et al. for purpose of providing validation rules which confirm the validity of data collected by application software used in mobile workforce management (Lee et al. Col. 1 lines 10 - 12).

Regarding dependent claim 15, Claim 15 incorporated substantial similar subject matter as claim 14, and is rejected along the same rationale as set forth above.

Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Leveque et al. Pub. No.: 2002/0128860 A1, Pub. Date: Sep. 12, 2002 in view of de la Huerga et al., U.S. Patent No. 5,903,889 - filed Jun. 9, 1997 and Ross, Jr et al., Patent No. 5,823,948 – filed on Jul. 8, 1996, and further view of Andros et al., Pub. No.: 2002/0087356 A1 - Pub. Jul. 4, 2002.

Regarding dependent claim 16, Leveque et al. and Huerga et al. as applied to claim 5 above disclose every aspect of applicant's claimed invention (wherein entering coding data, discharge instructions, laboratory results, and pharmacy records) except for entering data selected from the group including patient identity fields, account number, worktype ID, job number, dictation date, creation date, facility identity fields, physician identity fields, and radiation result fields.

Laveque et al. discloses worktype ID, job number (Figs 12 and 13C), dictation date, creation date (Fig. 11), and radiation result fields (page 7, paragraph [0076]), and However, Leveque fails to disclose patient identity fields, account number, facility identity fields, physician identity fields.

Andros et al. discloses patient identity field, account number (Fig. 15A), facility identity fields (page 4, paragraph [0040 - 0042]), physician identity fields (page 1, paragraph [0007]).

Laveque and Andros et al. are analogous because they both related to medical records. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Andros's patient and physician identity into Laveque's mining data objects, since Andro taught the benefit by pointing out that providing the aforementioned information (page 1, paragraph [0007] line 3).

Allowable Subject Matter

7. Claims 31-35 would be allowable if claim 31 is rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and claims 31-35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: With regard to claim 31, the primary reason for indication of allowable subject matter is that the prior art fails to teach or suggest a system for creating a summary documentation having a validator with an input connected to an output of a file converter, wherein the validator checks the converted input information for errors, inconsistent data, and incompletely entered data, the validator having a first output connected to a parsing engine input to supply accepted input information and a second output to supply unaccepted input information with noted errors, the validator having a second input to accept correction procedures for the unaccepted input information selected from the group including permitting error overrides, correcting errors, returning the entered information for correction, and supplying the input information to the parsing engine after correction.

Prior art

8. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Levin et al.	Patent No. US 5,724,580	Date of Patent: Mar. 3, 1998
Kobayashi et al.	Patent No. US 6,473,096 B1	Date of Patent : Oct. 29, 2002
Peterson et al.	Patent No. US 6,226,785 B1	Date of Patent: May 1, 2001
Crane	Patent No. US 5,748,907	Date of Patent: May 5, 1998

Contact Information

9. Any inquiry concerning this communication from the examiner should be directed to Dang Nguyen, who can be reached by telephone at (703) 305-1673. Normal contact times are M-F, 8-4:30.

Upon an unsuccessful attempt to contact the examiner, the examiner's supervisor, Heather Herndon, may be reached at (703) 308-5186.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to

Crystal Park II, 2121 Crystal Drive

Arlington, VA, Fourth Floor (receptionist).

STEPHEN S. HONG
PRIMARY EXAMINER

Dang Nguyen 5/12/2004